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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,278	03/16/2004	Roland Fries	FRIES / 03	4789

26875 7590 07/05/2005

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CINCINNATI, OH 45202

EXAMINER
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HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,278

Applicant(s)

FRIES, ROLAND

Examiner

Isaac N. Hamilton

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/17/04, 5/25/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-24, in the reply filed on 05/24/05 is acknowledged.

### ***Information Disclosure Statement***

The IDS filed 05/25/05 was not considered because it is identical to the IDS filed 06/17/04.

### ***Specification***

The disclosure is objected to because of the following informalities: "WHAT IS CLAIMED IS:" on page 14, last line, should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 13-20, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13, 14, 15, and 23 are dependent upon themselves, which is indefinite because no claim can depend from itself. Claims 16-20 and 24 are dependent upon indefinite claims, and the limitation structure is not clear. For purposes of examination, the structure of the limitations of claims 1-11 is interpreted as the structure for all the claim limitations.

Claim 10 recites the limitation "said first clamping member" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-16, 18-20 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Konieczka. Konieczka discloses clamp 14, 19; saw guide 1, 3; guiding edge is the left side of saw guide 1, 3 in figure 2; cutting template is the lumber after it has been cut by the saw; apparatus in figure 2 can be set on top of another piece of lumber or workpiece after the first piece of lumber has been cut in order to be a first template portion; second discard portion is the cut off piece of lumber of the first lumber piece being used as a template; first clamping member 14; second clamping member 19; lock bar 16; handle 20; first position of handle in figure 11; second position of handle is when the handle 20 is being adjusted; degree indicia 5; elements 8-13 are part of the cutting template; tongue and groove 1, 13; assorted cutting templates are pieces of lumber that have been cut at different angles with the apparatus.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konieczka in view of Hopla (2,773,523). Konieczka discloses everything as noted above, but does not disclose a clamping adapter, however, Hopla teaches clamp adapter 23A. It would have been obvious to provide a clamp adapter in Konieczka in view of Hopla in order to provide a roughened surface that holds surfaces with higher friction.

Claims 8, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konieczka in view of Artigas (6,595,093). Konieczka discloses everything as noted above, but does not disclose a detent and does not disclose a detent and does not disclose a plurality of recesses. However, Artigas teaches detent 39 and plurality of recesses 26A, 26B and 25. It would have been obvious to provide a detent and a plurality of recesses in Konieczka as taught by Artigas in order for quick change and little adjustment when changing the angle of the cut.

The combination of Konieczka and Artigas discloses the claimed invention except for the saw guide having a detent and the cutting template including a plurality of recesses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the elements mentioned above, since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. It would have been obvious to provide the saw guide having a detent and the cutting template including a plurality of recesses in the combination in order to see all of the angles of the indicia.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

June 26, 2005



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700